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RECORD OF ORAL HEARING
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex Parte HAJIME INOUE, TATSUNYA WAKAHARA,
NAOKI MURAYAMA and MASAO MIZUTANI

Appeal 2009-007287
Application 09/466,279
Technology Center 2400

Oral Hearing Held: January 12, 2010

17 Before KENNETH W. HAIRSTON, JOSEPH F. RUGGIERO and
18 KEVIN E. TURNER, *Administrative Patent Judges*.

20 ON BEHALF OF THE APPELLANT:

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Appeal 2009-007287
Application 09/466,279

1 *The above-entitled matter came on for hearing on Tuesday, January 12, 2010,*
2 *commencing at 1:00 p.m., at the U.S. Patent and Trademark Office, 600*
3 *Dulany Street, East Wing, 9th Floor, Hearing Room A, Alexandria, Virginia,*
4 *before Jan Jablonsky, Notary Public, in and for the Commonwealth of*
5 *Virginia.*

6

7 JUDGE HAIRSTON: How are you?

8 MS. MORELLI: Very well. How are you?

9 JUDGE HAIRSTON: Do you have a business card with you?

10 MS. MORELLI: I do.

11 JUDGE HAIRSTON: Okay, for the record. I don't want to
12 misspell your name.

13 MS. MORELLI: It's going to be changed in another week. You
14 are going to get the last one.

15 JUDGE HAIRSTON: Thank you. Are you getting married?

16 MS. MORELLI: Yes.

17 JUDGE HAIRSTON: Congratulations in advance. You may
18 begin.

19 MS. MORELLI: Thank you. Good afternoon. Just to I guess
20 gauge how much you know and how much I should explain, I don't want to
21 waste your time.

22 JUDGE HAIRSTON: We're familiar with the record.

23 MS. MORELLI: Excellent. It seemed pretty well settled after
24 the briefing that the main issue in this case is whether the node reference I.D.
25 of Staats is equivalent to the unique node I.D. claimed in the present

1 Application.

2 What I'm going to explain today is that the node reference I.D. is
3 not the same as the unique node I.D., rather as the Examiner admitted in his
4 Answer, it's really the node base address of Staats is what correctly
5 corresponds to the unique node I.D. at the present claims.

6 This node base address, it doesn't meet the limitations either.

7 Whether it's the node base address, which we seem to all agree it is, or
8 whether it's even the node reference I.D., neither of these disclosures in Staats
9 meets the limitations of the claims.

10 What the node reference I.D. is, it's actually just a pointer. What
11 the claim says is a register storing a record of said unique node identification
12 number allocated to said selected devices and maintaining said record
13 regardless of whether said selected device remains connected to said digital
14 interface.

15 The node reference I.D., it's not allocated to a device. Really, all
16 it is is a pointer to a record. That record stores the node base address and that
17 node base address changes every time a device is disconnected or connected
18 to the bus.

19 It just doesn't meet the limitations. When the bus is reset, the
20 record changes. It points to the record but it's not maintained. It's not
21 maintaining the unique node identification number.

22 The node base address which is really what corresponds to this
23 unique node I.D., it identifies the node address, so in that way it's similar to
24 the unique node I.D. of the claims, it's allocated to the devices on the bus, and
25 it changes every time a device is disconnected from the bus or connected.

1 Whether there is a bus reset or an entire system reset, it changes
2 each time.

3 That is the crux of the difference. It seems pretty clear to us. If
4 you have any questions, I'm more than happy to answer them.

5 JUDGE RUGGIERO: Just looking at Claim 1, for example, the
6 claim says -- toward the bottom of the claim, that the register is storing a
7 record of the unique node identification number. It seems like all that needs
8 to be shown is that the reference keeps a record of something, like the node
9 reference I.D. mentioned by the Examiner. As long as a record is kept of that,
10 it seems like it would satisfy the feature of storing a record.

11 MS. MOZELLI: I understand what you're saying. The record
12 that's kept of the node reference I.D. is completely separate from the device
13 data record, which is what contains the information of the device on the bus.

14 In the disclosures of Staats, he says the node reference I.D. is
15 maintained by a separate service routine, whereas the register stores the
16 device data record, which is really why it's the node base address that more
17 correctly corresponds to the unique node I.D. as opposed to the node
18 reference I.D. It's really something different. It functions differently. It's just
19 not the same.

20 JUDGE RUGGIERO: Okay. A record is kept of the reference
21 I.D., right, in Staats?

22 MS. MORELLI: Yes, there is a record of the reference I.D.

23 JUDGE RUGGIERO: Isn't that what the claim says?

24 MS. MORELLI: Right. It says the register storing the unique
25 node I.D. allocated to the selected devices. The node reference I.D. isn't

1 allocated to any device. It just indicates a data record, where you would find
2 information for that device.

3 It might be associated with the device, which I think may be
4 some of the confusion on the Examiner's part. It's not allocated to that device.
5 One device isn't designated by that reference I.D.

6 JUDGE RUGGIERO: It is allocated, right, when there is an
7 initiation taking place in Staats? Isn't it associated with --

8 MS. MORELLI: It's associated, but it's not allocated to the
9 device. What is allocated is this node base address, and that changes every
10 time.

11 JUDGE RUGGIERO: I guess I was looking at column two in
12 Staats, line 14. Basically, what I just asked. It says the reference I.D.
13 specified by the source node driver is associated with the destination nodes,
14 bus address, according to a data structure, stored in memory, which the node
15 and bus address are associated with the node reference I.D. parameters.

16 There seems to be an association.

17 MS. MORELLI: Yes, the node base address is stored in a
18 record. The node reference I.D. just points to that record. I think what they
19 are saying in line 15, that's how the node reference I.D. is associated because
20 it points to that record that holds the node bus address.

21 JUDGE RUGGIERO: Isn't the address allocated to a specific
22 device? Then we have the reference I.D., which I guess you're referring to it
23 as a pointer. It does point to that address, which is associated with a device.

24 MS. MORELLI: Yes, and that address changes. That address is
25 not maintained. It changes after a device is connected or disconnected from

1 the bus.

2 JUDGE RUGGIERO: Right, but the node reference I.D. is
3 maintained and that doesn't change.

4 MS. MORELLI: Yes; correct.

5 JUDGE TURNER: The claim doesn't really say anything about
6 maintaining the I.D., just maintaining the record; right? Even if the I.D.
7 changes, as long as you save the record, it seems like the claim is met.

8 MS. MORELLI: Well, the record holds the I.D. If the I.D.
9 changes, the record would change. If the record changed --

10 JUDGE TURNER: Why couldn't the record be a pointer, so if
11 the record is a pointer and it's pointing to a specific number and it holds onto
12 that even if the device is disconnected, it seems like it is still storing and
13 maintaining that record. Maybe there is a flaw in my logic. Maybe I have
14 misunderstood.

15 MS. MORELLI: The node reference I.D., it is maintained in one
16 record, and that points to a second record, the device data record. The device
17 data record is what holds the node bus address, which is what identifies the
18 addresses of the devices on the bus.

19 When a device is disconnected and reconnected to the bus, it will
20 get a new node bus address. In turn, that device data record is updated to a
21 new record. Even though the node reference I.D. is maintained, it's pointing
22 to a new record, so it's not something that's maintained in that respect.

23 JUDGE TURNER: The address is changed but the I.D. remains
24 the same.

25 MS. MORELLI: Yes, the I.D. would be the same, but it's not the

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1 I.D. that's allocated to a device. It's just an I.D. that points to a record.

2 JUDGE TURNER: What's being stored and maintained is a record, not
3 the number.

4 MS. MORELLI: What is being stored and maintained is the
5 record that includes the I.D. that's allocated to the device. What Staats does is
6 he maintains a separate record that doesn't have anything allocated but just
7 points to a different record that is updated each time.

8 JUDGE HAIRSTON: I think we have the issue. Any other
9 argument?

10 MS. MORELLI: No, I think that's essentially it.

11 JUDGE HAIRSTON: Any other questions?

12 JUDGE TURNER: No.

13 JUDGE RUGGIERO: No.

14 JUDGE HAIRSTON: Thank you, counsel.

15 MS. MORELLI: Thank you.

16 Whereupon, at 1:12 p.m., the proceedings were concluded.

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